

ORDINANCE NO. 06-293

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING SECTIONS 10.16.020, 10.16.030, AND 10.16.031 OF CHAPTER 10.16 STORMWATER POLLUTION PREVENTION MEASURES OF THE LOS ALTOS MUNICIPAL CODE TO IMPLEMENT NEW REGIONAL WATER QUALITY CONTROL BOARD PERMIT REQUIREMENTS

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. Legislative Findings. The City Council finds and declares as follows:

(a) The City of Los Altos is a member of the Santa Clara Valley Urban Runoff Pollution Prevention Program (Program), which consists of fifteen public agencies in Santa Clara County.

(b) The California Regional Water Quality Control Board, San Francisco Bay Region, (Board) administers the National Pollutant Discharge Elimination System (NPDES) permit program under the Federal Water Pollution Control Act.

(c) In 2001, the Board adopted order Nos. 01-024 and 01-119 under NPDES Permit No. CAS029718 (collectively, the Permit), which regulates stormwater discharges of the members of the Program by requiring the Program members to implement stormwater management plans that meet certain performance standards, including a performance standard for certain new development and significant redevelopment projects in each member jurisdiction. Los Altos Municipal Code Chapter 10.16 implements the requirements of the Permit applicable to new development and significant redevelopment.

(d) On July 20, 2005, the Board adopted Order No. R2-2005-0035 amending the Permit requirements to make the size criteria smaller for the new development and significant redevelopment projects required to implement stormwater pollution prevention measures and to require certain new development and significant redevelopment projects to implement measures to reduce or avoid hydromodification impacts. It is necessary to amend certain sections of Los Altos Municipal Code Chapter 10.16 to implement these new Permit requirements.

(e) In accordance with Order No. R2-2005-0035 Council adopted an amendment to the Chapter on September 27, 2005 that extended the applicability of the storm water regulations to smaller-sized projects and created new requirements that address the potential impacts of development on the health of local creeks.

(f) Order No. R2-2005-0035 requires that by August 16, 2006 all development and significant redevelopment projects that creates 10,000 square feet or more of impervious surface collectively over the entire project site, including but not limited to parking lots, roof area, streets, and private walkways must incorporate treatment measures and other appropriate source control and site design measures to reduce pollutant discharges to the maximum extent practicable.

SECTION 2. To comply with the new requirements of Order No. R2-2005-0035, Section 10.16.020 Definitions of Chapter 10.16 Stormwater Pollution Prevention Measures, Title 10 Public Services of the Los Altos Municipal Code is hereby amended to read in its entirety as follows:

10.16.020 Definitions.

The following words and phrases, whenever used in this chapter, shall be as set forth below:

"Development project" shall mean any private or public project under the planning and building authority of the city that creates 10,000 square feet or more of impervious surface collectively over the entire project site, including but not limited to parking lots, roof area, streets, and private walkways.

1. A project in one of the following categories shall not be considered a development project regardless of the amount of impervious surface it creates:

a. An individual single-family home, which is not part of a larger common plan of development, that is designed with appropriate source control and site design measures; or

b. Sidewalks, bicycle lanes, trails, bridge accessories, guardrails and landscape features located in the public right-of-way.

2. A development project shall include the issuance of a permit for building, construction, reconstruction, subdivisions, parcel maps or occupancy, but not a permit to operate.

"Hydromodification management measures" shall mean any combination of on-site, off-site, and in-stream control measures incorporated into specified development projects and significant redevelopment projects in order to reduce stormwater runoff so as to not cause an increase in the erosion potential of the receiving stream over the pre-project condition, in accordance with and as required by Order No. 01-119 under NPDES Permit No. CAS029718 issued by the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Board), as it may be amended from time to time.

"Impervious surface" shall mean land that has been modified by the action of persons to reduce the land's natural ability to absorb and hold rainfall. This includes any hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions pre-existent to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions pre-existent to development. Impervious surfaces include, but are not limited to, rooftops, pavement, sidewalks, walkways, patios, driveways, and parking lots where such surfaces are not constructed with pervious materials and/or are not designed to have zero stormwater discharge.

"Permanent stormwater pollution prevention measures" or "PSPPM" shall mean any combination of source control measures, site design measures, and/or stormwater treatment measures that reduce stormwater pollution to the maximum extent practicable as required by Order No. 01-119 under NPDES Permit No. CAS029718 issued by the Regional Board, as it may be amended from time to time. The design and implementation of the PSPPM must be in accordance with the guidelines and technical specifications provided by the city or other city-approved authority and the requirements of Order No. 01-119.

"Significant redevelopment project" shall mean any private or public project under the planning and building jurisdiction of the city on a previously developed site that creates additional or replacement of 10,000 square feet or more of impervious surface collectively over the entire project site, including but not limited to parking lots, roof area, streets, and private walkways.

1. A project in one of the following categories shall not be considered a significant redevelopment project regardless of the amount of impervious surface it creates:

a. Interior remodels; or

b. Routine maintenance or repair including, but not limited to, roof or exterior surface replacement, pavement resurfacing, repaving and road pavement structural section rehabilitation within the existing footprint, and any other reconstruction work within a public street or road right-of-way where both sides of the street or right-of-way are developed.

"Site design measures" shall mean any project design features that reduce stormwater pollution by decreasing or slowing stormwater runoff or intercepting the flow of runoff across a series of contiguous impervious surfaces.

"Source control measures" shall mean any project design features that aim to prevent stormwater pollution by eliminating or reducing the potential for contamination at the source of pollution.

"Stormwater treatment measures" shall mean any engineered system designed to remove pollutants from stormwater by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

SECTION 3. Section 10.16.030 Permanent Stormwater Pollution Prevention Measures Required of Chapter 10.16 Stormwater Pollution Prevention Measures, Title 10 Public Services of the Los Altos Municipal Code is hereby amended to have paragraph E read as follows:

E. No final planning, building or occupancy permit shall be issued without the written certification that the requirements of this chapter have been satisfied. Such certification shall be in the form prescribed by the city engineer and in accordance with and as required by Order No. 01-119 under NPDES Permit No. CAS029718 issued by the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Board), as it may be amended from time to time.

SECTION 4. Section 10.16.031 Hydromodification Management Measures Required is hereby added to Chapter 10.16 Stormwater Pollution Prevention Measures, Title 10 Public Services of the Los Altos Municipal Code is hereby amended to add a new paragraph D to read as follows:

D. No final planning, building or occupancy permit shall be issued without the written certification that the requirements of this chapter have been satisfied. Such certification shall be in the form prescribed by the city engineer and in accordance with and as required by Order No. 01-119 under NPDES Permit No. CAS029718 issued by the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Board), as it may be amended from time to time.

SECTION 5. The Council finds that adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) as an action taken by a regulatory agency to protect the environment (CEQA Guidelines Section 15308).

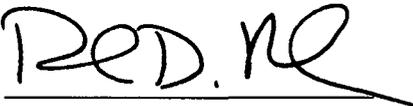
SECTION 6. This Ordinance shall become effective upon the commencement of the thirty-first (31st) day following the adoption date.

The foregoing Ordinance was duly and regularly introduced at a regular meeting of the Los Altos City Council held on June 27, 2006, and was thereafter, at a regular meeting of the Los Altos City Council held on July 11, 2006, duly passed and adopted by the following roll call vote:

Ayes: CARPENTER, COLE, CASAS, PACKARD

Noes: NONE

Absent: COLEHOWER


Ronald D. Packard, MAYOR

Attest:


Susan Kitchens, CITY CLERK